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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. (C) No. 400/2007

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Applicant
Appellant

Ku. Manisha Shyam Kunwar, Daughter of Parakh Das Shyam Kunwar, aged about 19 years, residence of Gandhi Nagar, House No. 543, Post Nehru Nagar, Police Station Supela, Bhilai Tahsil and District Durg, Chhattisgarh.

Versus

Non-Applicants
Respondents

1. Gurumukh Singh, son of Joginder Singh aged about 38 years, residence of sector-11. Zone-3, H.S.C.S. Colony, Q.No. 42/43 Khursipar, Bhilai, Tahsil and District Durg, Chhattisgarh.
2. Rajkumar Prajati, son of Hansraj Prajati, residence of Q.No. 1C/Road 17, Sector-11, Zone-1, Khursipar, Bhilai, Tahsil and District Durg, Chhattisgarh (Registered owner of Minidor Vehicle No. CG.07.T.10589)
3. The New India Insurance Company, Through Branch Manager, Branch Office Thakkar Chambar, G.E. Road, In fron of Auto Mobile, Power House Bhilai, Tahsil and District Durg, Chhattisgarh (Policy No. 451201/31/04/ Period 25.12.04 to 24.12.05) Insurance Company of Minidoor Vehicle No. CG.07.T. 10589).

Present: Shri O. P. Sahu, learned counsel for the appellant.

ORAL ORDER
(Passed on 2nd April, 2007)

Heard on admission.

2. Admit.

3. The appellant is aggrieved by the order dated 22.11.2006 pased by 8th Additional Motor Accident Claims Tribunal in claim case No. 319/2005 whereby in a injury case where no permanent disability was caused, a compensation of Rs. 76,000/- was awarded.

4. It is not disputed that the claimant did not suffer any permanent disability. The injury suffered by the claimant was fracture in the lower 1/3rd of the left foot and in right hand. The learned M.A.C.T. awarded compensation as under:-

A/	For grievous hurt	=	Rs. 5,000/-
B/	For doctor's fees	=	Rs. 27,000/-
C/	For actual medicines purchased	=	R.s 10,000/-
D/	For pain &suffering	=	Rs. 10,000/-
F/	For special diet	=	Rs. 9,000/-
G/	For loss of earning	=	Rs. 15,000/-
	Total		Rs. 76,000/-

5. The only point urged by the learned counsel for the appellant is that being a young lady the applicant is required to undergo plastic surgery in future in which heavy expenses would be incurred. It was urged that the learned M.A.C.T erred in ignoring the above fact while awarding compensation. No other point was urged.

6. Having heard the learned counsel for the appellant, I have perused the impugned award. No permanent disability was caused to the claimant. The compensation awarded under conventional heads is just and reasonable compensation. In view of the fact that the injury was caused in the lower 1/3rd of the left foot and in right hand, the contention of the learned counsel for the appellant that heavy expenses would be incurred in future for plastic surgery is liable to be rejected.

7. Having thus considered the contention of the learned counsel for the appellant and the impugned award, I am of the considered opinion that the compensation awarded by the learned M.A.C.T is just and reasonable compensation and calls for no intereference in this appeal. This M.A(C). No. 400/2007 bieng devoid of merit is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya